

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT WINKLES on behalf of himself  
and similarly situated employees,

Plaintiff,

v.

HARBOR FREIGHT TOOLS USA, INC.,

Defendant.

Case No. 2:19-cv-00825-CB

**DEFENDANT’S MOTION TO DISMISS COMPLAINT  
AND COMPEL ARBITRATION OR, IN THE ALTERNATIVE, TO STAY**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(3), or alternatively Rule 12(b)(6), Defendant Harbor Freight Tools, USA, Inc., (hereinafter, “HFT”) respectfully moves to dismiss the Complaint. In the alternative, Defendant moves, pursuant to the Federal Arbitration Act, 9 U.S.C. § 4 (2005) to compel arbitration of this action and stay all judicial proceedings in this case. The claims that Plaintiff brings in this lawsuit are subject to a valid and enforceable arbitration agreement. Contemporaneously with this motion, Defendant has submitted a supporting Memorandum of Law and the Declaration of Sallie Taylor.

Submitted this 30<sup>th</sup> day of September 2019.

Respectfully submitted,

**/s/ Jennifer G. Betts**

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 30, 2019, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

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**/s/ Jennifer G. Betts**

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